

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

MELISSA PEAK, daughter and next of kin of the )  
deceased, Danny Eugene Sherrill, )  
  )  
Plaintiff,    ) Civil No. 2:09-0065  
  )  
v.    )  
  )  
CUMBERLAND COUNTY, TENNESSEE,                   )  
BUTCH BURGESS, Sheriff, in his capacity as   )  
Sheriff of Cumberland County, Tennessee,       )  
CUMBERLAND COUNTY JUSTICE CENTER,             )  
and W. WHITE #923, C. SIMPSON #935, A. ILES )  
#927, B. MILSTEAD #903, M. HAMBY, #920,      )  
C. HENNESSEE #925, TERRY BOOTS #917,          )  
and JOHN DOES I-X, all individually and as    )  
employees or agents of Cumberland County,     )  
Tennessee, Sheriff Burgess and/or Cumberland   )  
County Justice Center,                            )  
  )  
Defendants.    )

**O R D E R**

On March 2, 2011, this court entered an Order that allowed plaintiff's counsel to withdraw and gave the plaintiff until April 1, 2011 to have new counsel enter an appearance of record on her behalf or to notify the court that she would be representing herself going forward. (Docket No. 31) No new counsel has entered an appearance of record, and the plaintiff has not filed a notice with the court, indicating her desire to represent herself going forward. The defendants have filed a Motion to Dismiss For Failure to Prosecute (Docket No. 34), to which the plaintiff has failed to respond.

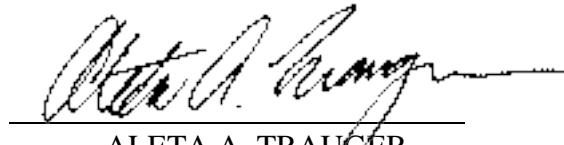
It appears as though the plaintiff has lost interest in pursuing this case. However, the court will give her one more chance to demonstrate that she wishes to have this case moved forward. It is hereby **ORDERED** that the plaintiff shall respond to the pending Motion to

Dismiss For Failure to Prosecute (Docket No. 34) by May 13, 2011, or this court will grant the motion and dismiss this case.

The Clerk shall mail a copy of this Order by certified mail, return receipt requested, to the plaintiff at her last known address that appears in the record.

It is so **ORDERED**.

ENTER this 29th day of April 2011.



Aleta A. Trauger  
U.S. District Judge